IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22843 of 2004

Between:

1 P.Sudhakaramaiah S/o.Rangaiah
R/o. 81/5A-10-1 Raghavendra Nagar, Kurnool.
2 M.Ramudu S/o.Pullaiah
R/o. near Masum Basha Darge Kurnool.
3 M.Devadasu S/o.Ratnamaiah
R/o.Batipadu Village Kallur Mandal, Kurnool District.

..... PETITIONERS

AND

1. The Commissioner and Registrar of Cooperative Societies,

Government of Andhra Pradesh, Hyderabad.
2. The Deputy Registrar of Cooperative Societies Kurool Division, Kurnool.
3. The Bastipadu PACS, Kallur Mandal Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court MAY be pleased to issue *Writ of Mandamus* or any other appropriate writ or direction declaring the order of the 2nd respondent passed on 3.11.2004 as illegal arbitrary.

Counsel for the Petitioner: MR.G.SEKHAR REDDY

Counsel for the Respondents: GP FOR COOPERATION

The Court at the admission stage made the following:

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ORDER:

For declaring the order passed by the 3rd respondent on 3.11.2004 suspending the petitioners on the ground that they irregularly drawn the salaries, which is contrary to Section 116 (c) of the A.P. Cooperative Societies Act, 1964, as illegal and arbitrary, the present writ petition is filed.

2. The learned counsel for the petitioner contended that as per the resolution passed by the society, the management has been drawing the salaries and therefore, there is no irregularity in drawing the salaries, and, hence, he prays to set aside the order.

3 . On the other hand, the learned Government Pleader for Cooperation contended that since the petitioners have drawn the salaries irregularly, they were placed under suspension and therefore, the jurisdiction of the authority, who issued the order impugned, is not challenged and since, the writ petition is devoid of merits.

4 . The petitioners were suspended by the impugned proceedings dated 03.11.2004 on the ground that they have drawn the salaries irregularly contrary to the Section 116(c) of A.P. Cooperative Societies Act, 1964. The jurisdiction of the authority of the PIC Chairman to issue these proceedings is not under challenge. Normally, this court will not interfere with the suspension order pending enquiry unless the jurisdiction of the authorities is under challenge. Whether the petitioners have drawn salaries irregularly or under the approval of the Registrar of the management are required to be gone into by the Enquiry Officer, therefore, it is for the Enquiry Officer to take appropriate decision basing on the evidence that may be let in on this aspect.

6. Therefore, the writ petition is disposed of with a direction to the respondents to complete the enquiry, within a period of two months from the date of receipt of a copy of this order.

7. However, it is also made clear that the respondents are bound to pay the subsistence allowance to the petitioners in accordance with law. No costs.

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(K.C. BHANU, J)

Date: 15.02.2005

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner and Registrar of Cooperative Societies,

Government of Andhra Pradesh, Hyderabad.
2. The Deputy Registrar of Cooperative Societies Kurool Division,

Kurnool.
3. The Bastipadu PACS Kallur Mandal Kurnool District.

4. Two C. Cs to G.P. for Cooperation, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies

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